

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON OCTOBER 14, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, established the presence of a quorum.

Present: Robert Miller, Chair
 William Seitz, Secretary
 David Moore, Member
 Bryan Rice, Member
 John Tuttle, Member
 Ryan Thum, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Zoning Technician
 Jamie MacLean, Development Planner

Absent: Walt Haynes, Vice Chair
 Frank Lau, Member

PUBLIC ADDRESS:

None were present to speak during public address.

APPROVAL OF AGENDA:

On a motion by Mr. Moore, seconded by Mr. Tuttle, and unanimously carried the agenda was approved as amended with the appointment of a nominating committee to be added as new business.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Moore, seconded by Mr. Seitz, and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

A Request by Chie-May Lo Shing (Agent: Roberts Engineering) for a Comprehensive Plan map amendment to change the policy map designation of approximately 24 acres immediately adjacent to Route 114 from Rural to Village Medium Density Residential in the Belview Village for a parcel located at 2626 Peppers Ferry Road also identified as a portion of Tax Parcel No. 65-A 15 (Account No. 017076), in the Riner Magisterial District.

On a motion by Mr. Seitz, seconded by Mr. Thum and unanimously carried the request was removed from the table for discussion.

Mr. Miller introduced the request.

Mr. Sandy stated the request was tabled at the previous meeting to allow for consideration of the entire 24 acre tract. He reviewed maps and plans for the property. Initially the site was proposed to be

a townhouse project. There may be a possibility of elderly apartments through a grant program; therefore, the applicant is requesting additional land be added to the Village designation. The front portion of the property is suitable for development. Water can be provided to the entire site with the exception of the portion of property beyond the railroad tracks. Sewer would need to be pumped up the slope. A commercial entrance permit cannot be obtained due to sight distance; however, it may be possible with a speed limit reduction. Staff is working with VDOT to discuss speed limit issues in several villages. The applicant is willing to provide right-of way or easements for potential traffic calming, if needed by VDOT, installation of Belview Village signage or gateway monument and for a future bikeway as proposed in the VITL Plan. Mr. Sandy reviewed the criteria for comprehensive plan amendments. The request would contribute to the Belview Village and help achieve other goals such as housing alternatives for the elderly. It would be recommended that the property beyond the railroad tracks not be included in the amendment if approved. A revised application was also received due to a change in the property owner's name.

Mr. Miller opened the public hearing.

Mr. Tom Roberts, Roberts Engineering, noted that site plan approval and rezoning would still be required prior to any possible development. A developer has approached the owner to discuss multi-family dwellings for elderly housing. This developer is aware of the possible obstacles such as utilities, topography, etc. There is no guarantee that they will have funding for the project since it relies on grant funding; however, the amendment to the comprehensive plan must be completed prior to any additional requests. The owner is acceptable to amending the property to the north of the railroad tracks. Most of the properties within the village cannot be developed due to site distance issues. The site cannot obtain approval for site plan without a VDOT approved entrance.

There being no additional speakers or comments the public hearing was closed.

Mr. Thum stated he felt it was acceptable to approve the entire parcel and allow the rezoning and site plan process to solve development issues.

Mr. Seitz noted it would be better to approve just the amount south of the tracks.

Mr. Rice stated he was not convinced that one of the four criteria for amending the comprehensive plan have been met.

Mr. Thum stated the strongest argument is that the applicant was unaware of the official process and when attempted to correct the oversight, there was a misinterpretation over what portion of the property was developable.

Mr. Seitz noted he agreed that there was a mistake originally and there was a misinterpretation. The portion beyond the railroad is unlikely to be developed.

On a motion by Mr. Seitz, seconded by Mr. Thum and carried by a 6-1 (Rice opposed; Haynes & Lau absent) the Planning Commission recommended approval of the comprehensive plan amendment for the 19 acres south of the railroad tracks with the expectation that an easement(s) will be provided as proposed by the applicant during the rezoning process.

A request by Richard J. Obiso, Jr. and Eclipse Winery, LLC (Agent: Richard & Melissa Obiso) to rezone approximately 9.52 acres from Rural Residential (RR) to Agriculture (A-1), with possible proffered conditions, to allow farm winery/farm enterprise uses. The property is located at 4025 Childress Road (Rt. 693), identified as Tax Parcel No(s). 127-A 24C (Acct Nos. 120176), in the Riner Magisterial

District. The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre

Mr. Miller introduced the request.

Mrs. MacLean stated the applicant was requesting to rezone to Agricultural (A1) to allow viticulture and a farm enterprise. She reviewed maps, photos, and concept plans for the property. The site is designated as rural in the comprehensive plan and the proposed use is consistent with the designation. The property was rezoned in 2007 by the former property owner to create a subdivision and one lot was sold to an adjoining land owner. Traffic will not present an issue until the enterprise has begun operation which is estimated for 2011. She reviewed the proffered conditions.

Mr. Miller opened the public hearing.

Mr. Obiso stated Eclipse Winery LLC was created in 2007. The current plans are to sell wine accessories, local crafts, wine, etc. Mr. Obiso reviewed other winery locations and explained current market trends. Viticulture is a growing market and is one of the largest agri-tourism industries. Plans for a tasting room and a wine barn have been developed. He reviewed the concept plan. Co-marketing with the neighboring garden center has been discussed to help promote both businesses. The county engineer has been involved in the development of a bio-retention area. Deer fencing will be installed. Pine nut trees will be planted for production of pine nuts and to provide screening. The current plan is to use all organic based pesticides, sprays, etc.

Mr. Tuttle stated that this is the type of development needed for this area since it would promote tourism.

Mr. Obiso noted that the endeavor was a very cost intensive process. For the first year or so the grapes will have to be sent to a processing facility for bottling. The wine will then be brought back to the site for distribution.

There being no additional speakers or comments the public hearing closed.

On a motion by Mr. Rice, second by Mr. Tuttle and carried by a 7-0 vote (Lau, Haynes absent) the Planning Commission recommended approval of the J. Obiso, Jr. and Eclipse Winery, LLC (Agent: Richard & Melissa Obiso) request to rezone approximately 9.52 acres from Rural Residential (RR) to Agriculture (A-1) to allow farm winery/farm enterprise uses. rezoning request with the following proffered conditions:

1. The following uses-by-right are being voluntarily excluded from this rezoning application:
 - Intensive agriculture
 - Cemetery
 - Church
 - Fire, police, or rescue squad station
 - Manufactured housing (mobile) home class A and B
 - Pets, farm
 - Sawmill
 - School
 - Veterinary practice or animal hospital
2. The following uses under a "special use permit" are being voluntarily excluded from this rezoning application:
 - Boarding house
 - Campground
 - Boarding camp

- Civic club
- Contractor's storage yard
- Custom meat cutting, processing, and sales
- Day care center
- Disposal facility, landfill
- Flea market
- Game preserve
- Golf course, driving range
- Grain mill/feed mill
- Junkyard/automobile graveyard
- Kennel, commercial
- Livestock market
- Recreational vehicle Park
- Recycling collection point
- Repair shop, automotive
- Rural resort
- Sawmill
- Shooting range
- Slaughterhouse
- Solid waste collection point
- Stable, commercial
- Stone engraving and sales
- Structure, non-residential not over 20,000 gross SF
- Telecommunications tower, freestanding
- Transition house
- Public utility plant, other
- Public utility substations
- Public utility plant water or sewer (not including distribution or collection lines)

3. Eclipse Winery will use reasonable best efforts to conform to the site development plan, prepared by Melissa Lynn Obiso, MS RA, which are based on the applicant's existing business plan. The applicant believes that its expectations are based on reasonable assumptions, however, forward looking statements involve risks and uncertainties which may affect the applicant's business and prospects, including changes in economic and market conditions, acceptance of the applicant products by the available market, legislation and regulation, new developments in this agricultural industry, competitive developments and other factors affecting the business. The applicant has attempted, whenever possible, to identify these forward-looking statements by words such as "will", "expects", "should", "projects", or "continue", or the negative of those words and other comparable words in the rezoning application and in its business plan. Similarly, statements that describe the strategy, goals, prospects, opportunities, outlook, objectives, plans, or intentions are also forward looking statements. The applicant cannot guarantee future results, levels of activity, performance, or achievements, and therefore cannot guarantee that the site development plan may change in response to future conditions.
4. Eclipse Winery shall comply with the Montgomery County Code for Musical or entertainment festivals, as described in Chapter 5, Article II., Musical or Entertainment Festivals, section(s) 5-31 through 5-55 of the Montgomery County Code.

5. Any lighting installed on the property shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.

A request by Henry & Sarah Ann Brabham and Brabham Enterprises, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 6.832 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow hotel and restaurant uses. The property is located on the northeast corner of the intersection of North Fork Road (Rt. 603) and Interstate 81, Exit 128, identified as Tax Parcel No(s). 046-A12E, 046-A12B, 046-A6C, 046-A6A (Acct Nos. 030792, 015955, 035144, 035143), in the Mt. Tabor magisterial district. The property currently lies in an area designated as Village in the Comprehensive Plan and further identified as Mixed Use in the Elliston/Lafayette/Ironto Village Plan with an allowable density of two units per acre.

Mr. Miller introduced the request.

Mr. Sandy stated the request is to rezone property located at the Ironto interchange (Exit 128) off of Interstate 81 to General Business (GB) to allow hotel and restaurant uses. He reviewed maps and the concept plan. The property is designated as mixed use in the Elliston village plan. The site plan involves four (4) parcels. The request includes a traffic impact analysis by Anderson & Associates. He discussed the re-alignment of roads, upgrades, etc. suggested by the TIA. Mr. Sandy noted that the concept plan does not indicate any of the configurations suggested by that analysis. Public water can be provided by a 2500 ft. line extension. Public sewer can be provided by a private grinder pump and force main with a connection to the public sewer force main. A portion of the property does lie within a flood fringe area. Fill has been placed on the property; however, submission will need to be made to FEMA for a map revision. There are no proposed impacts to the school system since there are not any additional residential units proposed. The proposal does comply with the comprehensive plan; however, site design measures should be offered to help comply with the environment chapter recommendations.

Mr. Rice asked if architectural design had been considered.

Mr. Sandy stated it could be suggested as in the requests for properties in the 177 corridor.

Mr. Miller opened the public hearing.

Mr. John Neel, Gay & Neel, stated a meeting was held with VDOT and a grace period was granted for an entrance at this site; however, there is not unlimited time. There is not a specific tenant or purchaser for this property. This rezoning application is in response to the access management guidelines that will be effective in October. Since there are not any specific uses proposed it is preferred that there is some flexibility in the development capabilities. The concept plan does not indicate the realignment of the road because VDOT has stated realignment would only be required with a change of use. Even though this is VDOT right of way it is not maintained by VDOT. The concept plan has not been included in the proffered conditions for those reasons. If the concept plan is proffered it may be necessary to request a revision to the plan in the future. To extend the water line will cost Mr. Brabham approximately \$300k and he is aware it will be necessary to complete the extension prior to development. This development would be included under the DCR guidelines and therefore would address the environmental section of the ordinance. The request does comply with the comprehensive plan. Mr. Neel noted that the owner will consider proffers such as lighting.

Mr. Sandy noted he would prefer to see the realignment of the road on the concept plan.

Mr. Neel stated Reese Mountain Road could be reconfigured a couple of ways depending on the purchasers and their proposed plans. Due to the unknown tenant or purchasers it is difficult to create a concept plan showing the realignment.

Mr. Rice stated that some type of guarantee is necessary for the development such as broad architectural design guidelines, road alignment/access, etc.

Mr. Moore noted that the realignment could be addressed through proffers; however, not necessarily shown on the map. It would be beneficial to identify the timeline of completion, type, etc.

Mr. Neel stated the road would be constructed to any commercial or residential standards.

Mr. Sandy noted that the road could be constructed anywhere without proffers.

Mr. Wells noted that this could set the development standards for future development and should be for the betterment of the area. Additional work is needed to address the issues.

There being no additional speakers or comments the public hearing was closed.

Mr. Rice stated this type of development is needed in this location; however, some general guidelines need to be set prior to making a recommendation to the Board of Supervisors.

On a motion by Mr. Moore, seconded by Mr. Rice, and carried by a 7-0 vote (Lau, Haynes absent) the Planning Commission tabled the request by Henry & Sarah Ann Brabham and Brabham Enterprises, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 6.832 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow hotel and restaurant uses until the November meeting to allow the applicant to address concerns regarding the realignment of Reese Mountain Road and development standards.

OLD BUSINESS:

None

NEW BUSINESS:

CPEAV 2009 Commonwealth Land Use & Zoning Conference Report

Mr. Miller stated three (3) commission members attended the conference at the Stonewall Jackson Conference Center. Both the conference and location were outstanding. He expressed his appreciation to the Board of Supervisors for allowing the commission members to attend.

Nominating committee

Mr. Miller nominated Mr. Rice, Mr. Thum, and Mr. Wells to serve as the nominating committee.

WORKSESSION:

None

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo stated that the Board of Supervisors has been preparing a list of legislative priorities. Ten (10) were sent to the general assembly. The top two (2) concerns submitted were requesting permission to join the regional 911 call center, and requesting the rest stops to be reopened.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No report.

Christiansburg Planning Commission

Mr. Rice stated a request for a concrete plant was not approved. No other business relating to the county discussed.

Economic Development Committee

No report.

Public Service Authority

No report.

Parks & Recreation

No report.

Radford Planning Commission

No report.

School Board- Bill Seitz

Mr. Seitz stated School Board discussed the change in the source of funding for constructing new schools.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated there was no related business at the last meeting.

Planning Director's Report

Mr. Sandy reviewed the upcoming meeting schedule.

There being no further business, the meeting was adjourned at 9:00 pm.